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In re Application of
Goswami
Application No. 10/613,116
Filed: July 3, 2003
Attorney Docket No.23085-08025
For: KINEMATIC QUANTIFICATION
OF GAIT ASYMMETRY BASED ON
BILATERAL CYCLOGRAMS

DECISION ON
PETITION

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OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.53(e), filed December 23, 2003, requesting that Figure 6 be accorded a filing date of July 3, 2003.

The application was filed on July 3, 2003. On December 4, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioner that Figure 6, as described in the specification, appeared to have been omitted.

Petitioner requests that Figure 6 be accorded a filing date of July 3, 2003 on the basis that 23 sheets of formal drawing figures, including Figure 6, were received in the Patent and Trademark Office (PTO) on July 3, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing July 3, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 23 sheets of formal drawings.

The return postcard constitutes *prima facie* evidence that 23 sheets of formal drawing figures were filed on July 3, 2003. MPEP 503. A review of the application file reveals that there are 22 sheets of drawing figures present. The missing sheet of drawings corresponds to that which would have contained Figure 6.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioner's authorization, the petition fee will be refunded by way of a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing,

with a filing date of **July 3, 2003**, using the copy of Figure 6 submitted with the instant petition. Office records will be corrected to show that 23 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



E. Shirene Willis
Senior Petitions Attorney
Office of Petitions